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Repository Citation

William D. Miller, *Marquette Law School: The First Twenty Years*, 74 Marq. L. Rev. 377 (1991).
Available at: <http://scholarship.law.marquette.edu/mulr/vol74/iss3/3>

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MARQUETTE LAW SCHOOL: THE FIRST TWENTY YEARS

WILLIAM D. MILLER

On May 5, 1844, a Swiss-German Bishop named John M. Henni arrived in Milwaukee to head the city's newly created Catholic diocese. In the winter of 1848-49, Bishop Henni returned to Europe seeking funds with which to complete St. John's Cathedral and to begin a program of higher education. One may suppose that the Bishop believed that Milwaukee would become one of the gleaming cities of the New World — a focal point for the infusion into American frontier life of those great accomplishments in science and art which imparted a special grace to European life.

In the winter of 1849, a recital of life in an American frontier town, where Indians still strolled the streets in their native garb, must have been a prime listening fare for Europeans. Some, in reflecting on the revolutionary turmoil in Germany during the previous summer, may have thought that the best hope for ordered progress lay in the American West. Perhaps something of this conviction reposed in the mind of Monsieur Guillaume Joseph Deboey of Antwerp when he promised Bishop Henni approximately sixteen thousand dollars with which to build a Catholic college in Milwaukee.

In 1855, Henni bought a tract of land known as "The Hill" on what was then the western perimeter of the city. It was from this geographic configuration that Marquette students were ordained "Hilltoppers." But it would be thirty-five years before the hope of having a college would be realized. In the meantime, the Jesuits of St. Louis were asked to send some of their members to Milwaukee to begin a Catholic educational program. In the late 1870s, Father Stanislaus Lalumiere, borrowing a Protestant idea, initiated a house-to-house fund solicitation to build a college in Milwaukee. The building was completed in August 1881, and the academy-college, named "Marquette," opened that fall.

The separation of the academy-college union was anticipated on June 14, 1891, when Father Rudolph Meyer, the newly appointed president of Marquette, purchased land on Grand Avenue for a "new college and church." Work on the church, "Gesu," began in 1893, but the first college building, Johnston Hall, did not open until May 13, 1907.

On September 1, 1900, the Reverend Alexander Burrows, S.J., succeeded the Reverend William B. Rogers, S.J., as president of Marquette College. Father Raphael Hamilton, in *The Story of Marquette University*,

characterizes Father Burrows as "a man of broad views, ready to encourage new ventures." In 1902, Father Burrows began the separation of students at the Marquette Academy into high school and college divisions. In 1908, he located the college in the new Johnston Hall on Grand Avenue, just east of Gesu Church. As these developments occurred, Father Burrows made it a priority to shape the school entrusted to him into a university.

A university is a congeries of schools, with each school pursuing a particular specialization while infused with the light of human meaning that emanates from a liberal arts core. The development of the university in American higher education in the late nineteenth century, notably at Johns Hopkins and Harvard, arose from a recognition of the need for a humanistic focus at a time of increasing academic specialization. Father Burrows, however, was not precipitantly following a new trend. The university idea is medieval in origin and based on the Catholic position that affirms the ultimate unity of all knowledge when seen in the light of Providential design.

During the summer of 1905, Father Burrows, according to Hamilton, told the *Milwaukee Free Press* that Marquette would aim at acquiring a law school and a medical school, and that "if that course is adopted it will mean that we shall take on a school of engineering and architecture." Father Burrows then assigned to Vice-President Father Henry Spalding the job of acquiring professional schools. Like Father Lalumiere, Father Spalding was from the area around Bardstown, Kentucky — the seedbed of midwest Catholicism. He had come to Marquette in 1902 from Creighton University. Although Father Spalding was not expected to establish a professional school at Marquette over a summer's vacation, the task hardly needed a five-year study. The initial move was relatively simple: arrange an exchange of paper with an existing institution whereby its graduates would be given a Marquette diploma.

The acquisition of a medical school proceeded quickly. In the spring of 1906, Father Spalding suggested to Dr. William H. Earles, owner of the Milwaukee Medical College, that he place his school under the aegis of Marquette. The college was an old-fashioned medical trade school that trained physicians, dentists, nurses, and pharmacists. The primary dilemma at the college seemed to be whether a physician ought to practice homeopathic or allopathic medicine — e.g., should a patient with a high fever from a February pneumonia be put in a tub of hot water or buried in a snow bank? In any event, a merger agreement with Dr. Earles was soon reached and, almost simultaneously, another was made with the Wisconsin College of Physicians and Surgeons. In order to reflect the new acquisitions, the college catalogue for 1906-07 included the term "university" to

designate Marquette's character. In its November 24, 1906 issue, the *Milwaukee Sentinel* reported Marquette's acquisition of the medical school and stated that "departments of law and mechanical engineering would probably follow."

An aspirant to the bar living in Milwaukee at this time had three alternative methods of obtaining a legal education. First, the person could go to the state university at Madison where, since 1868, a one-year program of legal training was offered that, upon completion, meant automatic admission to the bar. Second, at least until 1903 in Wisconsin, the aspirant could "read law" as an apprentice in an attorney's office and then take the bar examination. Third, the person could take the bar examination after having had classes at the Milwaukee Law School, a simple unincorporated teaching program.

The law school classes began in the fall of 1892 when a group of aspirants to the bar decided to hold evening classes in which various judges and attorneys might give lectures on particular aspects of the law. By 1895, regular classes were given by three young men: William H. Churchill, a graduate of the University of Michigan Law School; Lynn Pease; and Edward Spencer, son of the founder of the Spencerian Business College. These meetings were conducted under the name of the Milwaukee Law Class, a designation changed by 1906 to the Milwaukee Law School.

One spring evening in 1906, Father Spalding suggested to Messrs. Churchill, Pease, and Spencer that they hold their classes at Marquette and become the charter faculty members of the new Marquette University Law School. To facilitate the transition, each was offered a cash payment of two thousand dollars and like consideration following the formal establishment of the plan. The gentlemen accepted the proposal, but because the law school at that time had no legal definition the matter was not clarified until a year later. A final ratification of the agreement occurred on June 13, 1907.

By August 1908 little remained of the original Milwaukee Law School. It had only one professor, who had made himself dean — or, perhaps, it was the other way around. The school, which had deemed itself a university, had only ten students and a debt of two hundred dollars. Therefore, A. C. Umbreit — its owner, president, dean, and faculty member — traded himself, his school, and his ten students to Marquette. In return, Marquette assumed his debt and gave him a position on the law faculty.

Sometimes in university life if good people fall short as teachers they become administrators. Conversely, the classroom may be the true place for a failed administrator. The latter was the case with Professor Umbreit. Professor Umbreit was born the son of German immigrants in 1861 in

Green Lake County, Wisconsin. He graduated from the University of Wisconsin in 1883 and subsequently taught high school for ten years. During this time he studied law on his own and, in 1892, was admitted to the bar. Professor Umbreit was forty-seven years old when, in the fall of 1906, he began his days at Marquette. While at Marquette, he had to deal with World War I, one of the darkest shadows in his life. Although he made no public declamations on the subject, he could never reconcile the "hate the Hun" discordancies of those days with the German life he had known and loved. Professor Umbreit taught at Marquette until his death in 1927.

To administer the law school, Marquette secured seventy-four-year-old Federal Judge James B. Jenkins as its first dean. Jenkins had been chief justice of the Seventh Circuit Court in Chicago. He served three years at Marquette and was later described by Dean Robert Boden as a "remarkable gentleman." In addition to Judge Jenkins and the five-member faculty, Federal Judges Joseph V. Quarles, Ferdinand A. Geiger, and Franz C. Eschweiler, as well as some of the best young lawyers in Milwaukee, were added.

From its inception, the law school appears to have effectively fulfilled its teaching mission. Law school students from those days, many of whom later became prominent members of the Wisconsin bar and bench, believed that they had received a very good education. Alfred Ecks, who had received his law degree in this early period and later became a highly respected Milwaukee attorney, commented some sixty years later that the students of his day regarded the law school faculty as "very excellent" and much stronger than the University of Wisconsin faculty.

Eck's use of the Madison faculty for an invidious comparison with Marquette's could have been interpreted as an expression of geographic or institutional provincialism, but it went beyond that. The two schools were separated both by a philosophical gulf and by the fact that Madison had all of the physical resources desirable for teaching, while Marquette had to make-do with what was at hand. Today the relationship between the two schools is one of mutual respect, and the issues that once separated them have been resolved or lost in time's trailing cloud as inconsequential. Yet the thread of criticism from members of the state university's law school runs prominently through the fabric of the early history of the Marquette school, and, inasmuch as that criticism tended to produce a response, it cannot be ignored.

At the heart of the matter was a fundamental difference in the teaching methods and philosophies of the two law schools. At Marquette law students were trained by practicing lawyers who had achieved, for the most part, reputations for their work in particular phases of the law. These law-

yers were able to introduce students to the most current realities of legal practice. Because they were also practitioners, the Marquette faculty was a part-time faculty. This practice of using a part-time faculty, according to Professor Boden, "totally colored the development of the College," and persists today.

The University of Wisconsin law faculty, in contrast, was built around full-time academicians whose specialty was law. They took as their model and theoretician Christopher Langdell, who had introduced his method of teaching at Harvard in 1870. Langdell, trying to rid law of the problem of inexactitude, sought to make it into a science. He did this by using the "case method," in which a practicing lawyer might use a case to deal objectively with the particularities of a legal problem. Ideally then, as Langdell viewed it, the teacher of law was not a practitioner but a "teacher" — one who stood at the theoretical forefront of the profession. Because of this presumed superiority, the faculty at the University of Wisconsin tended to think of themselves as "progressive," "scientific," and "objective" in their approach to law. These words were prominent in the idea climate that was assuming control of higher education at the turn of the century. They boldly intruded themselves into the study of history and into that area of study called the "social sciences." What Langdell was doing for the study of law was what Leopold von Ranke in Germany had done for history and what William James was doing for psychology.

The Langdellian position that law eventually found its truth in a repository of special cases was not necessarily incompatible with a Jesuit legal education. However, a Jesuit theoretician would add that there exists a moral order and a moral law, both of which ultimately stand apart from the "case" or changing circumstances. At Marquette the speculative dimension of law came under the heading of jurisprudence — a category of legal study which a doctrinaire Langdellian might view as outmoded, if not potentially upsetting to the ideal of legal stability. Moses and Jesus might have been lawgivers, but they were not lawyers.

Indeed, to progressive minds like those who taught at the state university law school, a fixed position under any circumstances was suspect. At a meeting of the American Association of Law Schools (AALS) in 1915, Dean Harry S. Richards of the Wisconsin Law School observed that it was "a truism that formalism appeals to the ignorant, whether it be in religion or law." Richards and the Madison progressives, therefore, inevitably professed that Marquette's law school was subject to an archaic medievalism after Father Charles B. Moulinier was attached to it as a Jesuit regent in 1910. The practice of naming a Jesuit regent continued at Marquette until 1953. However, as Boden emphatically stated, there was "no evidence of

Jesuit intermeddling in the establishment and conduct of the professional courses." There is ample evidence that the law faculty was staffed without regard to creed, and, of course, students were admitted on the same basis.

Professor Langdell's theories were not endorsed at Marquette, and, as Professor Boden pointed out, the university emphasized in its law school bulletins that its practitioner faculty gave "the school a distinctly practical atmosphere, which is apt to be lacking in a strictly theoretical school whose teachers either have never been practitioners, or have retired from practice."

Nonetheless, in the first decades of the law school's existence, Marquette began to acquire full-time faculty. In 1911, Arthur W. Richter was hired as faculty secretary for full-time teaching and administrative work. Over the years, others would follow. Some of the practitioners, by virtue of long service, developed specializations which by the 1920s became synonymous with their names. To quote Boden, "Spencer was established in Contracts, Rix in Property, Sheridan in Wills and Estates, Eschweiler in Torts, Backus in Criminal Law, Williams and Umbreit in Pleading and Practice . . . and Houghton in Equity." Two faculty members established phenomenal records for their years of service: Carl B. Rix, who became president of the American Bar Association in 1946, taught from 1909 until 1948, and Dean Francis X. Swietlik taught full-time from 1916 until 1968, then continued on a yearly basis as an Emeritus.

It may be that the physical and environmental advantages possessed by the Madison school in comparison to Marquette's tended to enhance the elitist aura emanating from the former at the expense of the latter. Marquette could almost be classified as a downtown school, having little in the way of spatial unity and coherence. Its few structures were huddled around Gesu Church and fronted by Grand Avenue, which was the main east-west traffic artery of Milwaukee. To the rear the land fell precipitously away to an industrial valley from which sounds and smells emerged that inclined neither the mind to unity nor the spirit to beauty.

The state university stood in stark contrast. It had its ordered pattern of buildings, its summer greenswards, and its groves that blazed red and yellow in the fall. All of this overlooked the large expanse of Lake Mendota, which sparkled gemlike in the summer sun and presented a panorama of gray and misty distances in the winter. What could better inspire the mind in its quest for knowledge?

Apart from these philosophical and physical differences, in its early years Marquette's law school suffered from material and scheduling inadequacies which opened it to criticism. There was no significant law library and there were no daytime classes. When the dozen or so students of the

Milwaukee Law School moved to Johnston Hall in April 1908, they took their classes between tiers of books in the college library. However, one might wonder, what could have been more agreeable or inspiring than to pursue one's vocational quest while breathing the musty odor of wisdom which, like the mists that clung to the nearby towers of Gesu Church in the early morning, hung over the library stacks?

Beyond the disabilities suffered by the new law school from a shortage of money, an unfortunate stipulation in the agreement with the Milwaukee Law School invited legitimate criticism of Marquette in those early years. In its contract with the Milwaukee school, Marquette University had agreed to confer a Bachelor of Law degree on all former Milwaukee Law School students who had passed the Wisconsin bar examination. As a result, at the commencement of June 12, 1908, eighty-four LL.B degrees were granted. By 1916, 147 Milwaukee Law School students had a Marquette degree. This gave Marquette an immediate boost in alumni members, many of whom were located at the forefront of legal affairs. But, as Dean Boden observed, the agreement was of "questionable academic merit" and "would rise up to haunt Marquette in the years ahead."

"Rise up" it did, at least in a continuation of the fusillading from the state university law school. On June 1, 1914, a Milwaukee newspaper quoted Professor Howard L. Smith of the state school in an exercise of animadversion that was aimed dead center at the Marquette school. That institution, said Smith, "started under an assumed name [(The Milwaukee Law School)] and as a purely commercial speculation, being 'bought' in 1908 by a sectarian institution, the so-called 'university' of which it now forms a department. This 'university' had absolutely nothing to give the law school, no endowment, no income, and not even a roof."

Although the statement was a caricature, the Jesuit administration used the criticism to change for the better. Johnston Hall received a roof and, for a while, sheltered law students. In 1910, however, the law students got a roof of their own. That year the university purchased the old Mackie home, located just east of Johnston Hall and back from Grand Avenue, reposing in tree-shaded grace on land that today supports the Legal Research Center. The old residence was Victorian: two stories, with an encircling veranda on the north and east sides. The *Marquette Tribune* on February 8, 1920, described the interior of the home as "finished lavishly in the most expensive and artistic woodwork. The front parlor ceiling and walls are finished in mahogany, with parquet . . . designs in the wainscoting and floor. The east room, library and dining room . . . [features] sycamore and oak work. . . . In the library, especially, the bookcases, built into the

walls on every side of the room and eight feet high, created a homey, cozy appeal."

The Mackie home, with students lounging in the parlor dressed in coat and tie, gave the study of law at Marquette an old-school dignity. Antique graciousness, however, found no place in square-foot usage studies, and in 1923 the Mackie home was razed to provide a location for a new classroom and office building, Sensenbrenner Hall. The old home, whose soul was of the waltz and quadrille, willingly surrendered itself to history as the strains of the Charleston began to erupt from phonograph horns up and down Grand Avenue.

During this era the law school progressed professionally. In 1912 it was admitted to the AALS, a sign that the school had attained certain professional dimensions. The most significant requirement attending the AALS membership was extending the night school degree program to four years. Another condition for meeting AALS acceptance was an adequate library. Beginning with no library in 1908, the school had acquired three thousand volumes by 1912. Increasing acquisitions made it necessary to employ a librarian, Katherine S. Kelley.

These signs of growth and stability, however, did not stop criticism from the Madison Langdellian. In 1915, Richards, the dean of the Madison law school, was elected president of the AALS. "Whether it was coincidental or not," writes Boden, "Richards' taking the presidential chair of the AALS marked the beginning of a five-year period in which Marquette had to fight desperately to retain its membership." The "fight," on behalf of Marquette, was led by its new law school dean, thirty-five-year-old Max Schoetz, Jr., who had been graduated with honors from the Wisconsin College of Law in 1908. Three months after Schoetz's installation, the law school was visited by a "surprise" inspection conducted by one William G. Hale of the University of Illinois. Hale strolled through the old Mackie home, asked a few questions, and then, claims Boden, journeyed to Madison where he presumably made an oral report to Richards and his associates. In any case, Marquette never received a written copy of the Hale report, if one ever existed.

What the Marquette law school did receive, nearly six months later on October 14, 1916, was a letter from the secretary of the AALS, Eugene Gilmer of the Madison law faculty, charging the Marquette Law School with non-compliance of AALS standards. The "standards," as the Marquette people learned, dealt with night school classes for law students and the lack of a full-time, academically based faculty.

Two months later, at the December 27-29 meeting of the AALS in Chicago, the Association's five-member Executive Committee, on which Rich-

ards and Gilmer of Wisconsin sat, called Marquette, along with six other institutions, "to the bar" on the point of not fulfilling AALS standards. The Committee, however, offered no evidence against Marquette, leaving its delegation, which was composed of Max Schoetz, Franz Eschweiler, Albert Houghton, and Marquette President Herbert Noonan, with the clear impression that they could go in peace and devote themselves with light hearts to the professional and convivial aspects of conventioneering.

But, says Boden, Marquette was "betrayed." The report of the Executive Committee stated that the record keeping of Marquette was so hopelessly incomplete that the Committee could do nothing except place the matter before the convention delegates. There, finally, the issues of the night school and a professional faculty were settled. Marquette was required to phase out its night school and begin a program of making full-time academic appointments.

The Marquette Law School, therefore, was not forced out of the AALS, but the Convention, as well as the Hale report, remained an unpleasant memory for a long time in the minds of many associated with the law school. In 1976, a "study" — by whom authorized or performed, Boden does not say — was done on the records that were available to Hale. The conclusion Boden gives was that the Hale report did not make a serious effort to get the records: "Except for one class, the records were not in poor shape." Moreover, what was the inherent virtue of a class being held in daylight over one illumined by artificial light? In fact, evening classes made it possible for ambitious and capable persons, bound by necessity to daytime jobs, to get a law degree.

In July 1917, when Max Schoetz was being named Dean of the College of Law, Reverend Hugh B. MacMahon, S.J., was appointed regent of the law school, succeeding Father Moulinier. MacMahon held this position until 1940, by which time the tensions that had existed between the two schools had passed. By then it was also apparent that the office of regent was not the menacing spectacle of clerical intrusion into the academic process that law school critics had once made it out to be.

The last great issue to roil the tranquility of relations was the "diploma privilege," whereby the graduates of the state school were exempt from taking the bar examination and Marquette graduates were not. Every year Marquette lobbied the state legislature to introduce and pass a bill that provided either that the graduates of both schools would have to take the examination or that neither would have to. The politics attendant on the offering of these bills were involved and heated, especially in the instance of the Schaefer Bill of February 1921, an effort at equality which, after considerable debate, failed.

Nonetheless, the relationship between the two law schools improved, and in 1924 it became positively sunny. Boden writes of the dramatic moment when relations took a new direction. At the June meeting of the Wisconsin State Bar Association, Dean Harry S. Richards, presumably mellowed by the passing years, moved to adopt the American Bar Association's standards as the basis for admission to the bar in Wisconsin. This, in effect, meant that the state university law school would abandon its exclusive claim to the diploma privilege. Immediately following Richard's motion, Max Schoetz sprang to his feet. "I rise," he said, "to second the motion of Dean Richards of the Law School of the University of Wisconsin. . . . I believe that Dean Richards had pointed the way, and we all ought to follow it." Richards obviously felt that a continuation of the "Sturm and Drang" in the legislature served no purpose except to provide a license for the exercise of oratory, and that a Marquette degree was *prima facie* evidence of an ability to practice law. Still, it would be nine more years before the diploma privilege issue was finally settled. The Wisconsin Law School dean, however, had proven that his concern for standards had been a matter of conscience and not a consequence of bias.

During the mid-1920s, a brash new air had enveloped the land, and through it had come not only new voices that were irreverent and loud, but the pulsing beat of a new music. Jazz had come up the Mississippi River from New Orleans to Chicago, and Miss Elvira Ritter, a liberal arts senior, explained to the *Marquette Tribune* how she had learned to do the Charleston by listening to a Chicago radio station. "Why I wouldn't miss a single lesson," she said. When asked if other coeds were as enthusiastic about the new dance, "she laughed and replied, 'Oh my, yes! They flock around the horn . . . and then swing the glad line.'"

The "glad line" for Marquette University and its law school was that during the so-called jazz age, the stature and significance of both increased in the minds of the students, as well as in the minds of the people of Milwaukee and Wisconsin. Father Albert J. Fox, Marquette's president from 1922 until 1928, worked effectively to give substance to Father Burrows's statement that Marquette would build a true university. By the mid-1920s the law school was not an insulated adjunct to the university as it had been in its early years. It had evolved into an organic union with the university. As Alfred Ecks recalled, law students in that era were proud of their Marquette label and staunchly defensive of their school's good name.

In the mid-1920s, the "glad line" for students like Charlie Cobein, Peter Brooks, and Alfred Ecks meant initiating the effort to found the Marquette Union and raising the initial funds to build it. And never were the cords of a common unity under a name more tightly bound than at Brave's Field in

Boston on October 27, 1923. That afternoon Marquette played Major Frank Cavanaugh's powerful Boston College's football team. Until the closing moments of the game, Boston led 6-0. Deep in its own territory, a Boston player fumbled and Earl Kennedy, Marquette's center, recovered, and Marquette quickly scored. Down on the field, as the lengthening shadows moved to obliterate the last patch of sunlight, stood 145 pound Joseph "Red" Dunn, his "fractured arm, swollen to twice its normal size, hanging limply at his side."

This story, however, belongs to the *Marquette Tribune* of November 2: Stepping back to the 30-yard line, "Red", standing erect with his headgear off, was as of marble. With his red hair disheveled by the strong west wind and his sacrificial arm at his side, standing as if alone in the world, this western boy played upon the heartstrings of the multitude and a hush fell over the field. Slowly rolling the numbers between his partly closed lips, with ever so slight a grin peeping through the corners of his mouth . . . 'Red' coolly and gracefully and with apparent ease, stepped forward and kicked the oval squarely between the up-rights.

Dunn, born in the Irish working-class area that lay just to the south of Marquette, was a hero with roots. In his biography, *The Wind at My Back*, actor Pat O'Brien tells of his close friendship with Dunn. O'Brien, born in a two-room flat above a saloon at Thirteenth and Clybourn, had been on the Marquette football squad for a year while he was "enrolled" in the Marquette Law School. But he recognized that the bar was not for him and was soon stage-bound for New York.

From the heroics of Red Dunn and the fabulous track performances of Melvin Shimek to the self-consciousness of Marquette law students was not a long distance, and no doubt their self-esteem as students was greatly enhanced by these athletic field dramatics. Further, according to the testimony of the few surviving grads of the law school of that era, their conviction that they were receiving a good legal education inflated their self-esteem into something akin to a swagger. Accordingly, the invitation to Dean Richards to attend the opening of the new Marquette Law School building on August 17, 1924, was offered, not as a payment of feudal dues, but as a proper fraternal gesture among equals.

Boden, a Marquette man to the last, wrote that Richards's inspection of the new home for the Marquette Law School "must have truly made him envious as he compared it to the old red structure of 1895 in which he presided on the Madison campus." Boden then described the new building with prideful words: "Facing Grand Avenue at 11th Street, the Tudor Gothic of the building's exterior had . . . a legal look calling to mind the

older buildings of the Inns of Court in London." The Grimmelsman Memorial Reading Room on the third floor, provided for in a bequest by Mrs. Harriet Cramer, "remains at this day a campus showplace." The model for the room was "the great Hall of the Middle Temple at the Inns of Court." There, as the wind howled down Grand Avenue, as was its winter's wont, and drove stinging snow into the faces of those who walked against it, a student might sit in cozy comfort before the reading room's fireplace and ponder the intricacies of the case being studied.

Father Hamilton, in *The Story of Marquette*, was similarly impressed with the grandeur of the room. Its high ceiling with exposed rafters and its heavy oak tables and chairs were reminiscent of "the style common to old English manorial halls." Had Father Hamilton been more vulnerable to whimsy, he might have wished for a few props for the room: several wolfhounds chained to a table leg, a few bones on the floor, and some tankards on the mantelpiece.

It was in the Grimmelsman Room that the students, their guests, and members of the legal fraternity gathered at ten in the morning for the ceremony. Brief remarks followed from a succession of notables, but Richards did not speak. Certainly, though, he was treated to all that could be offered of Marquette's traditional hospitality, for as those of the Marquette Law School preferred to believe, he had spoken to them not from spite but out of conscience. He died on April 21, 1929, at the age of sixty-one. An era had come to an end, said Merle Curti and Vernon Carstensen in *The University of Wisconsin, a History*. "For over a quarter of a century, Richards had been recognized as one of the leading centers for legal training in the country. He had left the University and the state deeply indebted to him."

In retrospect, the person of the moment that morning was the dean of the Marquette Law School, Max Schoetz — a man, says Boden, of "faith and courage and practical common sense." It had been Schoetz's industry and "practical common sense" that had led the way in making the Marquette Law School into a completed teaching program marked by standards of quality. As he accepted the keys to the new building from the hands of Marquette's president, Albert Fox, Schoetz voiced feelings that expressed his humility and faith. The Marquette Law School, he said, had been the work of "ambitious young men and women students, of unselfish lawyers, of judges, of law teachers, of sacrificing parents, of generous and public spirited citizens, especially Mrs. Cramer, all . . . under the auspices, guidance and direction of the most worthy Jesuit Fathers." As for the future, his hope for the law school was continued growth and prosperity. But there was something to be desired that was more valuable than money: "I would rather that the Marquette Law School receive its vitality from the unselfish

and unquenchable desire to search for the Truth and to render services to mankind, than that it receive its vitality from a one hundred million dollar endowment."

SOURCES

The significant sources are included in the textual narration. The principal one among those used was Robert F. Boden, *The History of the Marquette University Law School, 1892-1928*. This unpublished work by the late Dean Boden begins with the pre-turn-of-the-century character of legal education in Milwaukee, followed by chapters that narrate the development of the Marquette Law School. Professor Boden obviously writes from a Marquette Law School point of view. But the work is factual and he is more inclined to generosity than criticism where those who have been represented as detractors of the Marquette Law School are concerned.

Other sources used include: Raphael N. Hamilton, S.J., *The Story of Marquette University: An Object Lesson in the Development of Catholic Higher Education* (Milwaukee 1953); the Marquette University archives; the *Marquette Tribune*; and interviews conducted in 1980 by Dennis Downey, who was then a Marquette University graduate student in history.

For material on the University of Wisconsin Law School, I have used Merle Curti and Vernon Carstensen, *The University of Wisconsin, A History, 1848-1925* (2 vols.). Further biographical material on Harry Sanger Richards was provided by Gail L. Holmes, Assistant to the Dean, University of Wisconsin Law School.

